

Remarks on Immigration Reform and Border Security  
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Thanks, Dean. It's a real pleasure to be back in western Michigan.

## **Introduction**

At Dean's request, the topic of my speech today is border security and immigration reform. This is a high priority for President Bush and a high priority for the Department of Justice. Although my office handles a wide variety of policy issues ranging from terrorism to drug enforcement to identity theft, immigration reform is among the most significant.

The Department of Justice may not be the first federal agency that comes to mind when you think about immigration enforcement. The Department of Homeland Security is the leading agency in this area.

But the truth is that many federal agencies, including the Department of Labor, the Department of State, the Social Security Administration, and the Department of Justice work together to secure our borders, enforce the immigration laws inside the United States and issue visas to foreign workers, students, and tourists.

During my speech, I'll note several of the ways that the Justice Department fits into the immigration puzzle.

I'll start with two basic principles of immigration policy.

First, we are a nation of immigrants. My family came over from Holland a couple of generations ago, and I would imagine that the ancestors of the people in this room represent virtually the entire globe. We are, and must continue to be, a nation that welcomes legal immigrants.

Second, we are a nation of laws. Many of you are law students and will appreciate how respect for the rule of law underlies our freedoms, our economy, and everything else that makes this nation great. Respect for the law is as important in the context of immigration as it is anywhere else.

These two principles are not contradictory, as the President's vision for immigration reform reflects.

The President has called for *comprehensive* immigration reform, which must include several critical components, none of which can be successful without the others. They are:

- 1) securing our borders;
- 2) enforcing the immigration laws inside the United States, which we call “interior enforcement”;
- 3) establishing a program to allow jobs that are going unfilled by U.S. workers to be lawfully filled by workers from abroad, which we call a “temporary worker program”;
- 4) bringing illegal aliens who are already here out of the shadows without creating an amnesty program; and
- 5) encouraging the integration of immigrants into our society.

I'll briefly explain why each of these components is essential.

### **Secured Borders**

The need for border security is self-evident to many people, but several specific law enforcement challenges underscore its importance.

First, securing the nation's borders is essential to national security. We need to know who is entering the country. At the southwest border, where the vast majority of illegal crossings occur, the Border Patrol encounters aliens from virtually every part of the globe, not just Mexico, trying to enter illegally.

We have made great improvements in security at airports and other ports of entry, but all that work would be undermined if terrorists could simply go to Mexico and sneak across the southwest border.

Second, violent cross-border crime is a significant problem. This takes many forms, including illegal drug trafficking, alien smuggling, and trafficking of persons against their will.

A large percentage of the illegal drugs trafficked in the United States are smuggled across the southern border.

As state and local law enforcement agencies around the country can tell you, methamphetamine in particular is increasingly being produced by Mexican drug trafficking organizations as federal and state laws have made it more difficult to produce it in small labs here in the U.S.

Often, cross-border drug trafficking is associated with violence – both among drug traffickers and between traffickers and law enforcement personnel. Border violence relating to drugs in January alone included the following examples. Four National Guard soldiers near the Nogales/Sasabe border were confronted by armed Mexican nationals; a major cocaine trafficker and two associates were found murdered in a car in Reynosa, Mexico; and a partially burned body was found inside a 55-gallon drum near Nuevo Laredo – a common execution method for a major drug cartel.

Like drug trafficking, alien smuggling also can turn violent. Many aliens who wish to cross the border illegally pay smugglers to get them across. Some call these smugglers “coyotes.” “Coyotes” not only conspire to violate U.S. immigration laws for profit, but they often prey on those who have hired them. When I visited the border in Arizona last year, I heard horror stories from the border patrol about what can happen to the aliens who are being smuggled: Stories of aliens, including children, being left in the desert to die if they couldn’t keep up with the group’s pace; of women being raped by the smugglers; of aliens being robbed and beaten. In one case prosecuted by the Justice Department in 2004, law enforcement discovered a trailer that had been abandoned by alien smugglers. 17 of the smuggled illegal aliens were found dead inside the trailer, and two more died at a hospital shortly after their discovery.

Unfortunately, some human beings are smuggled across our borders against their will. We call this form of modern-day slavery “human trafficking.” The Department of Justice focuses a great deal of time and effort on catching the traffickers and rescuing the victims. In one case prosecuted in 2005, three Mexican nationals pled guilty to recruiting young women from Mexico, smuggling them across the U.S. border, beating and abusing them, and forcing them into prostitution in New York over a period of 13 years.

These are just a few reasons why it is so important to secure the border.

Much progress has already been made. Federal border security funding has more than doubled from between 2001 and 2007. The size of the Border Patrol will increase from just over 9,000 agents at the start of the President’s Administration to around 15,000 at the end of 2007. Six thousand National Guard members have been assigned to assist along the southern border. We have upgraded the technology used to secure the border. And the Department of Homeland Security has effectively ended what has been described as “catch and release” by expanding the space available to hold aliens who are apprehended at the border and by using expedited removal to return illegal aliens to their home countries promptly.

The Department of Justice works cooperatively with the Mexican government to stem the flow of meth and its precursor chemicals as well as other drugs into the United States; both countries interdict drugs on our respective sides of the border.

We aggressively prosecute international drug traffickers, alien smugglers, and human traffickers. In addition to prosecuting these crimes, the Department of Justice brings thousands of prosecutions each year against those who have violated our immigration laws by illegally entering the United States, illegally re-entering the United States after having been removed, or harboring illegal aliens. Nearly one of every three federal criminal cases filed by the Justice Department involves an immigration offense, making immigration-related cases the largest category of criminal cases now prosecuted by the Department.

## **Interior Enforcement**

Unfortunately, however, there is no amount of resources that the federal government realistically could allocate to border security that would diminish the strong economic incentives to cross our borders. As long as jobs are readily available to illegal immigrants in the United States, and as long as those jobs are highly lucrative because of the economic disparities between this country and many of our neighbors to the South, the incentives to attempt the crossing will be strong. This is why it is so important to have robust enforcement of the immigration laws inside the United States.

Interior enforcement includes both bringing enforcement actions against illegal aliens who are apprehended inside the United States (instead of at the border) and enforcing the immigration laws against employers.

The key to reducing the incentives to cross the border is to dry up the availability of jobs here for illegal aliens. Many aliens have little to lose by attempting an illegal border crossing – and much to gain if they are successful in coming to the United States and getting a job.

Employers, on the other hand, have much to lose if they are investigated and prosecuted for employing illegal aliens. Bringing enforcement actions against scofflaw employers is key to deterring this illegal practice.

Interior enforcement and border security are mutually reinforcing. Interior enforcement bolsters border security by reducing the number of jobs available to illegal aliens in this country and thereby reducing the incentives to illegally cross the border. And increased border security reduces the number of illegal aliens against whom enforcement actions must be brought in the interior.

Much has been done to increase interior enforcement in the last several years. The number of arrests in worksite enforcement cases has increased dramatically during the President's time in office, from 24 in FY 1999 to 716 in FY 2006.

This winter in "Operation Wagon Train," Immigration and Customs Enforcement agents apprehended almost 1300 illegal alien workers at six facilities owned by a major meat processing company. The Department of Justice brought federal criminal identity theft charges against 148 of these aliens who were accused of stealing the identities of U.S. citizens to obtain employment. In addition, other federal defendants were charged with illegal entry into the United States, document fraud, and Social Security fraud.

## **Temporary Worker Program**

This brings me to the Temporary Worker Program (TWP, for short) that the President has proposed. There are tens of thousands of jobs in the U.S. labor market that no willing U.S. worker will fill. If the Department of Homeland Security today removed from the

workplace every illegal alien working in the United States, the disruption to our economy would be disastrous. Our economy is strong, it is growing, and there are not enough workers to meet the growing demand. The simple fact is that we need some number of foreign workers to meet our economic needs.

If we are going to fully secure our borders and ensure respect for the rule of law, we need a legal mechanism for employers to find those workers. The details of this program are still being worked out with the Congress, but the Administration is committed to ensuring that it includes certain aspects:

First, it must be truly temporary. TWP participants should come to the United States to work for a set and limited time and then return home. Foreign workers who fail to leave as required will be permanently ineligible for green cards in the future.

Second, the TWP should be limited to jobs for which no willing U.S. worker is available. American workers should always be given priority in hiring.

Third, the number of people allowed to participate in TWP should fluctuate with economic conditions and the need for foreign workers.

Again, the success of this component of immigration reform depends on the success of the other components. For this program to be effective in deterring illegal immigration, there must be robust enforcement of the immigration laws both at the border and the interior. This program and other visa programs must be the only ways for a foreign worker to find a job in the United States – not simply an alternative to entering and working illegally.

### **Bringing illegal aliens out of the shadows**

Of course, a temporary worker program for workers not currently in the United States will not solve the problem of the roughly 12 million illegal aliens who are already here. The President is committed to bringing these aliens into the open.

As I said earlier, we need to know who is inside the United States. It is also important to the rule of law that illegal aliens not be allowed to continue to flout our system, living and working here illegally, while so many other hard-working immigrants play by the rules.

On the other hand, there is no way to deport every current illegal alien. There never will be enough tax dollars or law enforcement agents to accomplish this. And, as I mentioned a minute ago, it would deal a staggering blow to the economy.

To balance these two considerations, the President has proposed a worker program that will allow illegal aliens who were working in the United States as of a certain past date to continue living and working here as long as certain conditions are met.

Again, the details are being worked out with the Congress as we speak, but a few basic points are critical.

First, people who have worked hard, supported their families, and avoided crime should be given a legal status.

Second, however, this cannot be an amnesty program. Amnesty, which simply forgives lawbreaking, would only invite further lawbreaking.

It must be recognized that these individuals are in the country illegally. Therefore, they should be required to pay some substantial penalty, pay taxes, learn English, and pass a background check in order to be eligible for this program.

In addition, their illegal conduct cannot be rewarded by making them eligible for citizenship or green card status ahead of those who have played by the rules and followed the law.

Third, this program will require adequate enforcement measures. It would be futile to launch this program without making clear we will not tolerate individuals who continue to disregard the law instead of participating in the program. The 1986 amnesty legislation enacted by Congress was unsuccessful in fixing the illegal immigration problem in part because its enforcement measures had no teeth. Its lack of success is demonstrated by the fact that 20 years later, there are 12 million illegal aliens in this country.

If this program were not accompanied by both the carrot of a legal work status and the stick of penalties for those who refuse to participate or who continue to cross the border illegally, there will be little incentive for anyone to come forward and participate.

### **Integration of Immigrants into American society**

Finally, the President has spoken about the importance of integrating immigrants into the fabric of our society. This is not something that can be forced on individuals by the federal government, but the government can provide incentives and programs that facilitate it. For example, the Department of Homeland Security is trying out a new civics examination for citizenship focused less on trivia about pop culture and more on an understanding of civics. And the President recently created the Task Force on New Americans, which is working to create partnerships with private and non-profit organizations to offer English language and civics instruction to new immigrants.

### **Conclusion**

The President and his Administration believe that each of these five components of comprehensive immigration reform— secured borders; interior enforcement; a temporary worker program; bringing illegal aliens out of the shadows; and integration of immigrants into our society — are mutually reinforcing.

Each is important, and none can stand on its own.

We cannot successfully secure our borders without enforcing our immigration laws in the interior. Enforcing the laws in the interior would be impossible if we did not also secure the borders. No amount of enforcement will ever be enough to outweigh the economic draw to immigrate to the United States by any means possible, making a temporary worker program necessary. And we must bring currently illegal aliens out of the shadows to protect national security and foster respect for the rule of law.

The Administration is working with Congress as we speak to craft legislation that will serve these purposes, and we look forward to continuing to do that.

Thank you very much.